



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,702	06/18/2001	Gilles Chriqui	Q64917	8603
7590 04/23/2004 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W., Suite 800 Washington, DC 20037-3213			EXAMINER SHOSHO, CALLIE E	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/881,702

Applicant(s)

CHRIQUI, GILLES

Examiner

Callie E. Shosho

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 9-13.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3 and 5-8.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Attachment to Advisory Action

1. Applicants' amendment and arguments filed 4/12/04 have been fully considered but they are not persuasive.

Prior to responding to applicants' arguments, it is noted that in the amendment filed 4/12/04, applicants cancelled claim 4 and inserted the limitation of claim 4 into claim 1. In light of this amendment, it is noted that pending claims 1-3, 5, and 8 are now rejected under 35 USC 103 as being unpatentable over GB 2016016 in view of EP 721001 and Coaker et al. (U.S. 5,036,121) while present claims 6-7 are rejected over these references and further in view of Schombourg et al. (U.S. 6,448,343).

Applicants argue that there is no disclosure in GB 2016016 of aminosilane for curing and no motivation to combine GB 2016016 with EP 721001 to arrive at the claimed invention wherein the aminosilane would be provided in such a manner so as to be capable of curing the basic mixture.

It is noted that GB 2016016 discloses extrudable, curable, flame retardant, oil resistant composition comprising chlorinated polyolefin, hydrated alumina, and antimony oxide. It is agreed that there is no disclosure in GB 2016016 of aminosilane as presently claimed and thus, GB 2016016 is used in combination with EP 721001 which teaches using aminosilane curing compound in order to produce composition with long pot life and excellent heat resistance. In light of the disclosure on page 3, lines 32-35 of EP 721001 that the aminosilane is a curing compound, it is clear that the aminosilane is in fact "capable of" curing the basic mixture. Given that EP 721001 discloses that the aminosilane is used in order to produce composition with long

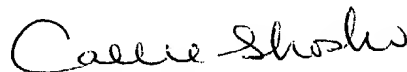
Art Unit: 1714

pot life and excellent heat resistance, there is clearly motivation to combine GB 2016016 with EP 721001.

Applicants also argue that there is no teaching or suggestion for modifying the compound in GB 2016016 to have the chalk including antimony compound.

It is noted that while GB 2016016 disclose the use of antimony compound, there is no disclosure of chalk. However, this is why GB 2016016 is used in combination with Coaker et al., which is drawn to composition comprising chlorinated polyolefin, and teach the use of calcium carbonate, i.e. chalk, in order to further enhance the flame and smoke suppression characteristics of the composition. In light of the motivation for using chalk disclosed by Coaker et al., it would have been obvious to one of ordinary skill in the art to use chalk in the composition of GB 2016016 in order to produce composition with enhanced flame and smoke suppression characteristics, and thereby arrive at the claimed invention.

Thus, it is the examiner's position that the combination of GB 2016016 with EP 721001 and Coaker et al. meets the limitations of the present claims.



Callie E. Shosho
Primary Examiner
Art Unit 1714